



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner Statement During House Debate on Child Interstate Abortion Notification Act

WASHINGTON, D.C. – The House today passed by a 270-to-157 margin H.R. 748, the “Child Interstate Abortion Notification Act.” House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) delivered the following remarks during the House floor debate:

Mr. Chairman, I rise in support of H.R. 748, the “Child Interstate Abortion Notification Act.” Laws that require parental notification before an abortion can be obtained by a minor are overwhelmingly supported by the American people. As recently as March, 2005, 75% of over 1,500 registered voters surveyed favored “requiring parental notification before a minor could get an abortion.” In fact, the 2004 Democratic nominee for President, said on “Meet the Press” this year “I am for parental notification.”

Across the country, medical personnel and others must obtain parental consent before performing routine medical services such as providing aspirin or including children in certain activities such as field trips and contact sports. Yet today people other than parents can secretly take children across state lines in violation of parental notification laws for abortions, without their parents even knowing about it.

Introduced by the gentlewoman from Florida, Ms. Ros-Lehtinen, the “Child Interstate Abortion Notification Act,” will protect the health and physical safety of young girls, and protect fundamental parental rights. This legislation contains two central provisions, each of which creates a new federal crime subject to a \$100,000 fine, one year in jail, or both.

The first section of H.R. 748 makes it a federal crime to transport a minor across state lines in order to circumvent a state law requiring parental involvement in a minor’s abortion decision. Twenty-three states currently have such parental involvement laws. The purpose of this section is to prevent people – including abusive boyfriends and older men who may have committed rape – from pressuring young girls into receiving a secret out-of-state abortion that keeps the abuser’s sexual crimes hidden from that minor’s parents or law enforcement

authorities.

The first section of the bill does not apply to the minor seeking the abortion herself, or to her parents. It also does not apply in life-threatening emergencies that may require that an abortion be provided immediately.

The second section of CIANA applies to cases in which a minor who is a resident of one state presents herself for an abortion in another state that does not have a parental involvement law. In those circumstances, the bill requires the abortion provider to give one of the minor's parents or a legal guardian, notice of the minor's abortion decision, before the abortion is performed. The purpose of this section is to protect the fundamental right of parents to be involved in a minor's decision to undergo a potentially dangerous medical procedure. A parent will be familiar with their daughter's medical history and able to give that information to a health care provider to ensure she receives safe medical care and necessary follow-up treatment.

This section of the bill does not apply where the abortion provider is presented with court papers showing that the parental involvement law in effect in the minor's state of residence has been complied with. It also does not apply where the minor states that she has been the victim of abuse by a parent and the abortion provider informs the appropriate state authorities of such abuse. Furthermore, it does not apply where a life-threatening emergency may require that an abortion be provided immediately.

The need for this provision was illustrated by Marcia Carroll, who testified on behalf of H.R. 748 before the Judiciary Committee. In her testimony, Mrs. Carroll described how her daughter, without Mrs. Carroll's knowledge, was pressured by her boyfriend's stepfather to cross state lines to have an abortion she did not want, and which she now regrets. Mrs. Carroll said "[my daughter] does suffer. She has gone to counseling for this. I just know that she cries and she wishes she could redo everything, relive that day over ... [S]he asked me to come here for her sake and for other girls' safety to speak and let you know what was happening."

It is important to note that nothing in this legislation prevents a minor from obtaining an abortion. This legislation simply protects the right of parents to be given a chance to help their children through difficult times. The Supreme Court has described parents' right to control the care of their children as "perhaps the oldest of the fundamental liberty interests recognized by this Court." The Supreme Court has also observed that "[t]he medical, emotional, and psychological consequences of an abortion are serious and can be lasting," and that "[i]t seems unlikely that [the minor] will obtain adequate counsel and support from the attending physician at an abortion clinic, where abortions for pregnant minors frequently take place."

The House of Representatives has passed similar legislation by over 100-vote margins in recent Congresses, and I urge all my colleagues to again support this legislation, which is so vital to parental rights, and to the health and safety of America's minor daughters.

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